



European Parliamentary and Local Elections (Pilots) Act 2004

2004 CHAPTER 2

Piloting

1 Piloting conduct at European and local elections

- (1) An election to which this section applies (a pilot election) must be held—
 - (a) only by postal voting, and (for that purpose);
 - (b) in accordance with provision made by the Secretary of State by order (a pilot order).
- (2) These are the elections to which this section applies—
 - (a) the European Parliamentary general election of 2004 in a pilot region;
 - (b) a local government election in England and Wales if the poll at such an election is combined with the poll at an election mentioned in paragraph (a).
- (3) These are the pilot regions—
 - (a) North East;
 - (b) East Midlands;
 - (c) Yorkshire and the Humber;
 - (d) North West.
- (4) Postal voting is voting where no polling station is used and a person entitled to vote in person or by proxy must deliver by post or by such other means as is specified in a pilot order—
 - (a) the ballot paper, and
 - (b) the completed declaration of identity form.
- (5) The declaration of identity form is a form which is delivered along with the ballot paper and which is completed by being signed—
 - (a) by the person to whom the ballot paper is addressed, and

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- (b) by a witness to that signing whose name and address are clearly marked on the form.
- (6) The declaration of identity must contain a statement advising the voter that the ballot paper should be completed by him—
 - (a) outside the presence of any other person, or
 - (b) in the case of a voter who requires assistance, in accordance with such advice as is provided for in the pilot order.
- (7) A pilot order—
 - (a) may modify or disapply any provision made by or under a relevant enactment;
 - (b) may contain such consequential, incidental, supplementary or transitional provision or savings (including provision amending, replacing, suspending or revoking provision made by or under any enactment) as the Secretary of State thinks appropriate;
 - (c) may make different provision for different purposes.

2 Pilot order

- (1) This section has effect in relation to a pilot order.
- (2) A pilot order may make provision for conduct which differs from that provided for by or under a relevant enactment.
- (3) The pilot order must specify the form and content of the declaration of identity form.
- (4) A pilot order must make provision requiring the returning officer to provide (before the close of the poll at a pilot election) polling progress information—
 - (a) to such persons or organisations as are specified in the order or are of such descriptions as are so specified, and
 - (b) at such times and in such circumstances as are so specified.
- (5) Polling progress information is information as to the electors by whom it appears to the returning officer at the time the information is provided that a vote has been cast.
- (6) For the purposes of subsection (5) the returning officer must be taken not to have seen the contents of any ballot paper.
- (7) The returning officer is the person who is described as such in the order.
- (8) The Secretary of State must send a copy of a pilot order relating to a pilot region to—
 - (a) each relevant local authority in the region;
 - (b) the Electoral Commission;
 - (c) the person who is by virtue of section 6 of the European Parliamentary Elections Act 2002 (c. 24) the returning officer for the region.
- (9) A local authority to whom a copy of a pilot order is sent must publish the order in their area in such manner as they think fit.
- (10) The Secretary of State must not make a pilot order unless he first consults the Electoral Commission.
- (11) It is immaterial whether such consultation occurs before or after the passing of this Act.

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3 Pilot schemes under the 2000 Act

Section 10 of the Representation of the People Act 2000 (c. 2) (pilot schemes for local elections in England and Wales) does not apply to a local government election if the poll at the election is to be taken on the same day as the poll at the European Parliamentary general election of 2004.

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